HONOURABLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

and

HONOURABLE SRI JUSTICE G. BHAVANI PRASAD

WRIT APPEAL No. 75 of 2006

Between:

M/s.Biraja Agrotech Private Limited

having its registered office at 98, Sahad Nagar,

Bhubaneswar, Orissa State, represented by its

Director Smt.P.V.Ramani, r/o MIG 225, North Extension Layout,
Seethammadhara, Visakhapatnam.

..... APPELLANT

AND

Mandal Revenue Officer,
Anandapuram Mandal,
Visakhapatnam District & others.

....RESPONDENTS

::JUDGMENT::

Counsel for the Appellant : MR.K.SARVA BHOUMA RAO

Counsel for the Respondent Nos. 1 to 3 : G.P. for Revenue

Counsel for the Respondent No. 4 : Mrs.V. Preethi Reddy

January 27, 2006

Per G.S. Singhvi, CJ

Not feeling satisfied with the categorical statement made by the learned Assistant Government Pleader for Revenue (Assignments) before the learned Single Judge that the respondents have not made any attempt to dispossess the petitioner (appellant herein) or to demolish his property and further that action for dispossession and/or demolition will be taken after following the due process of law, the appellant has filed this appeal.

Sri K.Sarvabhouma Rao, learned counsel for the appellant made strenuous efforts to persuade us that notwithstanding the unequivocal statement made by the government counsel, this Court should restrain the respondents from dispossessing his client and demolishing his property. He submitted that immediately after disposal of the writ petition filed by his client, the revenue authorities of the District filed police complaint falsely alleging that his client is trying to fence the property which stands resumed. According to the learned counsel, this action of the authorities tantamounts to violation of the undertaking given before the Court.

In our opinion, it is not possible to accept the bald assertion made by the learned counsel that after giving an unequivocal undertaking not to dispossess the writ petitioner (appellant herein) and not to demolish his property without following due process of law, the respondents are trying to dispossess him.

If any public authority takes action in violation of the undertaking given before the Court, then the appropriate remedy available to the petitioner/appellant is to file a petition under the Contempt of Courts Act, 1971 read with Article 215 of the Constitution. However, this does not entitle the appellant to seek fresh direction in the same matter.

With the above observations, the appeal is dismissed. However, it is made clear that if the property of the petitioner has been resumed or acquired in accordance with law, then he shall be entitled to avail appropriate legal remedy.

G.S. SINGHVI, CJ

G. BHAVANI PRASAD, J

January 27, 2006

Pnb / svs